

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CLARENCE MARTIN

PETITIONER

V.

CIVIL ACTION NO.: 3:23-cv-274-HTW-LGI

C. HARRISON, *WARDEN, YAZOO CITY LOW*

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THIS COURT is the Report and Recommendation of United States Magistrate Judge LaKeysha Greer Isaac [**Docket No. 9**]. In her Report and Recommendation, filed April 30, 2024, Magistrate Judge Isaac recommended the Petitioner's, Clarence Martin ("Martin"), petition be dismissed for failure to exhaust administrative remedies. Magistrate Judge Isaac directed the Petitioner to file any written objections within fourteen (14) days. On May 15, 2024, Martin filed a notice of appeal to the United States Fifth Circuit Court of Appeals, objecting to the Report and Recommendation [**Docket No. 10**]. On June 4, 2024, Respondent, Warden C. Harrison ("Respondent"), replied to Martin's objections urging this court to adopt the Magistrate Judge's Report and Recommendation without modification [**Docket No. 11**]. On July 19, 2024, the United States Fifth Circuit Court of Appeals dismissed Martin's appeal for want of jurisdiction [**Docket No. 12**]. For purposes of review, this Court will construe Martin's notice of appeal as an objection to the Report and Recommendation.

On April 24, 2023, Martin filed a 28 U.S.C. § 2241 petition seeking judicial review of his sentence computation by the Federal Bureau of Prisons ("BOP") [**Docket No. 1**]. Martin challenges the BOP's refusal to grant him a one-year sentence reduction for completing its Residential Drug Abuse Program ("RDAP"). Respondent argues Martin's petition should be dismissed for failure to exhaust administrative remedies or on the merits [**Docket No. 7**]. Martin

does not dispute his failure to exhaust administrative remedies; Martin argues exhaustion would be futile. This Court is unpersuaded by Martin's arguments. Based on the findings contained in the Report and Recommendation [**Docket No. 9**], this Court agrees with the Magistrate Judge that Martin failed to exhaust his administrative remedies.

This Order commensurately hereby **ADOPTS** the Report and Recommendation of the Magistrate Judge as the Order of this Court, and hereby **DISMISSES** the instant petition **WITHOUT PREJUDICE**.

SO ORDERED this the 31st day of October 2024.

/s/HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE